

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>	)	
State Engineer,	)	
	)	
Plaintiffs,	)	
	)	No. 69cv07941 BB-ACE
v.	)	Rio Chama Stream Adjudication
	)	Section 7: Tierra Amarilla, Rio Brazos,
	)	Rutheron and Plaza Blanca, Cañones Creek,
	)	Village of Chama
ROMAN ARAGON et al.,	)	
	)	
Defendants.	)	
_____	)	

**THE JICARILLA APACHE NATION’S UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO SUBMIT A PRELIMINARY HYDROGRAPHIC SURVEY REPORT  
TO THE OFFICE OF THE STATE ENGINEER**

The Jicarilla Apache Nation (“Nation”), by and through its attorneys, the Nordhaus Law Firm, LLP, hereby moves the Court to grant a one-month extension of time for the Nation to submit to the Office of the State Engineer (“OSE”) a Preliminary Hydrographic Survey Report and to grant a corresponding one-month extension of time for the OSE to complete an initial review of the Preliminary Hydrographic Survey Report, and for the OSE to complete field inspections. In support of this motion the Nation asserts:

1. On January 16, 2007, the Court entered a Scheduling and Procedural Order Governing the Outstanding Water Rights Claims of the Jicarilla Apache Nation (Doc. 8531) setting out a schedule for planned hydrographic survey work to be conducted by the Nation to inventory its water uses on certain Jicarilla Apache Nation lands in the Chama area (“Chama lands”).

2. On August 28, 2007, the Court granted a two-week extension for the Nation to deliver to the OSE a Draft Hydrographic Survey Report and a corresponding two-week extension for the

OSE to provide the Nation with its comments on the Draft Hydrographic Survey Report (Doc. 8777).

3. The previous extension granted by the Court did not change the remainder of the schedule under the initial Scheduling and Procedural Order, and pursuant to that Order, the scheduled date for the Nation to submit to the OSE a Preliminary Hydrographic Survey Report is December 31, 2007.

4. The Nation's consultants have conducted field work, the OSE has commented on the Draft Hydrographic Survey Report, and the Nation's consultants are currently preparing and revising the Preliminary Hydrographic Survey Report.

5. Prior to field work, it was estimated that there would be approximately 40 water features to be inventoried on the Nation's Chama lands, but during field work the Nation's consultants identified over 100 features to inventory.

6. Additional time is needed to prepare the Preliminary Hydrographic Survey Report including information on priority dates for water features, and to take into account the comments of the OSE hydrographic bureau staff regarding the Draft Hydrographic Survey Report.

7. Counsel for the State has been contacted regarding this extension and does not object, provided that the State is granted an extension of an equal amount of time for its review and comment on the Preliminary Hydrographic Survey Report and for field inspections to the extent deemed necessary by the hydrographic survey staff of the OSE.

8. The Nation also wishes to inform the Court that subsequent to completion of field work, the Nation's consultants were informed of approximately 50 additional features located on the Chama Ranch (one of the four parcels that constitute the Nation's Chama lands), and the Nation has not yet determined whether it may be necessary for its consultants to visit these features prior to

completing an inventory of all water features on the Nation's Chama Ranch. If it is determined to be necessary to visit some or all of these features, or to the extent that the features cannot be addressed in the Preliminary Hydrographic Survey Report, the Nation will confer with the State and submit to the Court a proposed schedule for addressing these features.

Wherefore, the Nation respectfully requests that the Court extend, until January 31, 2008, the scheduled date for the Nation to submit a Preliminary Hydrographic Survey Report to the hydrographic survey staff of the OSE . The Nation further requests that the Court extend, until June 30, 2008, the scheduled date for the OSE to provide the Nation with comments on the Preliminary Hydrographic Survey Report and for the parties' counsel to inform the OSE and the Nation if they intend to participate in field inspections. The Nation further requests that the Court extend, until October 31, 2008, the scheduled date for the OSE to complete field inspections to the extent necessary. Based on weather patterns in 2007 and in previous years, it is the parties' understanding that it is reasonable to expect that weather will allow for field inspections of the Nation's Chama lands throughout the entire month of October. However, it is also understood that if snow should occur in October, then the OSE may be unable to complete any needed field inspections in calendar year 2008.

Dated: December 21, 2007.

Respectfully submitted,

/s/Noelle Graney

Susan G. Jordan  
Noelle Graney  
NORDHAUS LAW FIRM, LLP  
1239 Paseo de Peralta  
Santa Fe, NM 87505  
(505) 982-3622

Jennifer J. Dumas  
NORDHAUS LAW FIRM, LLP  
405 Dr. Martin Luther King, Jr., NE  
Albuquerque, NM 87102  
(505) 243-4275

*Attorneys for the Jicarilla Apache Nation*

### **CERTIFICATE OF SERVICE**

I hereby certify that, on December 21, 2007, I filed the foregoing *Jicarilla Apache Nation's Unopposed Motion for Extension of Time to Submit a Preliminary Hydrographic Survey Report to the Office of the State Engineer* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

**David A. Benavides**

davidb@nmlegalaid.org

**Leander Bergen**

lbergen@nativeamericanlawyers.com

**Frank M Bond**

fbond@simonsfirm.com,ssandoval@simonsfirm.com,ggonzales@simonsfirm.com,fbond@mac.com

**Bradley S. Bridgewater**

bradley.s.bridgewater@usdoj.gov,gary.durr@usdoj.gov,jennifer.vaughn2@usdoj.gov,yvonne.marsh@usdoj.gov

**James C. Brockmann**

jcbrockmann@newmexicowaterlaw.com

**Christina J Bruff**

cjb@lrpa-usa.com

**Tessa T. Davidson**

ttd@tessadavidson.com

**Rebecca A. Dempsey**

rdempsey@wkkm.com,fmtz@wkkm.com

**Charles T. DuMars**

ctd@lrpa-usa.com

**Jennifer J Dumas**

jdumas@nordhauslaw.com,mchavez@nordhauslaw.com

**Randolph B. Felker**

randfelker@aol.com

**Jeffrey Fornaciari**

jfornaciari@hinklelawfirm.com,mlara@hinklelawfirm.com

**Gary S. Friedman**

gsf@chflaw.com

**Vickie L. Gabin**

vlgabin@nm.net

**David W Gehlert**

david.gehlert@usdoj.gov,efile\_nrs.enrd@usdoj.gov,jennifer.vaughn2@usdoj.gov,judy.tet  
reault@usdoj.gov,lori.montano@usdoj.gov

**Ryan Margaret Golten**

ryang@nmlegalaid.org

**Noelle Graney**

ngraney@nordhauslaw.com,svelody@nordhauslaw.com

**Karla JaNelle Haught**

janelle.haught@state.nm.us

**Mary E. Humphrey**

humphrey@newmex.com

**Susan G Jordan**

sjordan@nordhauslaw.com,vruiz@nordhauslaw.com

**Pierre Levy**

pierre@danieljofriel.com,melissa@danieljofriel.com,veronica@danieljofriel.com

**John F. McCarthy , Jr**

jfmc@wkkm.com

**David C Mielke**

dmielke@abqsonosky.com,sdressler@abqsonosky.com

**Edward G. Newville**

ednewville@rgunwired.net,connie.flint@state.nm.us,marjorie.dryden@state.nm.us,fred.k  
ipnes@state.nm.us,hilario.rubio@state.nm.us

**Brett J Olsen**

brett\_olsen@msn.com

**Marcus J Rael , Jr**

marcus@roblesrael.com,nicole@roblesrael.com,diane@roblesrael.com

**Walter L. Reardon , Jr**

walter@reardonlawnm.com

**Gregory C. Ridgley**

greg.ridgley@state.nm.us,marjorie.dryden@state.nm.us,vina.gallegos@state.nm.us

**Arianne Singer**

arianne.singer@state.nm.us,lula.valdez@state.nm.us,connie.flint@state.nm.us,marjorie.d

ryden@state.nm.us,fred.kipnes@state.nm.us,vina.gallegos@state.nm.us

**Jay F Stein**

jfstein@newmexicowaterlaw.com

**John W. Utton**

jwu@ssslawfirm.com,lb@ssslawfirm.com,vaa@ssslawfirm.com,djs@ssslawfirm.com

**Timothy A Vollmann**

tim\_vollmann@hotmail.com

**Fred Waltz**

fwaltz@kitcarson.net,cortega@kitcarson.net

/s/Noelle Graney